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**Via Airmail (registered letter)**

**The International Bureau of WIPO**  
34, Chemin des Colombettes  
1211 Genf 20

**Schweiz**

MA 10. MRZ. 2004  
PPI 10.03.04

March 10, 2004

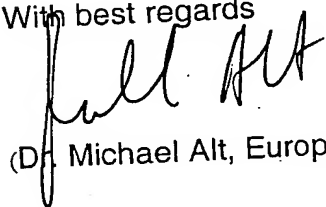
**International Application PCT/EP03/12610 by Bavarian Nordic A/S et al.**

Our Ref.: BN52PCT

Dear Sir or Madam,

I herewith enclose **declarations under Rule 4.17(ii) and 4.17(iv)** with respect to the above referenced International application. This declaration is submitted within the time limit under Rule 26ter.1.

With best regards



(Dr. Michael Alt, European Patent Attorney)

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**BAVARIAN NORDIC**

Bavarian Nordic GmbH, Fraunhoferstrasse 18b, D-82152 Martinsried, Germany, Phone +49 (0)89 8565 0030, Fax +49 (0)89 8565 1333  
www.bavarian-nordic.com, General Manager: Paul Chaplin Ph.D., VAT-ID No.: DE 178 111 874, Reg.: Amtsgericht München, HRB 112242

23208

## PATENT COOPERATION TREATY

PCT

NOTIFICATION RELATING TO  
DECLARATION MADE UNDER PCT RULE 4.17(PCT Rules 26ter.2(b), 47.1(a-ter) and 48.2(a)(x)  
and Administrative Instructions, Section 419)

From the INTERNATIONAL BUREAU

To:

ALT, Michael Bavarian Nordic  
Bavarian Nordic GmbH  
Fraunhoferstrasse 18b  
82152 Martinsried  
ALLEMAGNE  
Rec date: 30 April 2004

DUE:

P21 03-05-04  
MA 30 APR. 2004

Date of mailing (day/month/year) 19 April 2004 (19.04.2004)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference BN 52 PCT	
International application No. PCT/EP2003/012610	International filing date (day/month/year) 12 November 2003 (12.11.2003)
Applicant BAVARIAN NORDIC A/S	

1. The applicant is hereby notified of the following regarding the declaration indicated below in respect of  
(name(s) indicated in the declaration) \_\_\_\_\_:
- (i) ☐ declaration as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i) and Section 211)
  - (ii) ☒ declaration as to the applicant's entitlement, as at the international filing date, to apply for or be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii) and Section 212)
  - (iii) ☐ declaration as to the applicant's entitlement, as at the international filing date, to claim priority of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii) and Section 213)
  - (iv) ☒ declaration of inventorship (for the purposes of the designation of the United States of America) (Rules 4.17(iv) and 51bis.1(a)(iv) and Section 214)
  - (v) ☐ declaration as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51bis.1(a)(v) and Section 215)
2. ☒ Addition or correction of the declaration within the time limit under Rule 26ter.1.
- The added or corrected declaration was received on (date), 16 March 2004 which was received within the time limit under Rule 26ter.1.
- Any declaration referred to under items 1(i) to (iv) whether or not the declaration complies with Rule 4.17, will be communicated to the designated Offices concerned pursuant to Rule 47.1(a-ter) and any declaration referred to under item 1(v) will be published as part of the pamphlet pursuant to Rule 48.2(a)(x).
3. ☐ Failure to add or correct the declaration within the time limit under Rule 26ter.1.
- The declaration, was received on (date) \_\_\_\_\_, which was after the expiration of the time limit under Rule 26ter.1; therefore, any such declaration referred to under items 1(i) to (iv) will not be communicated to the designated Offices concerned, any such declaration referred to under item 1(v) will not be published as part of the pamphlet, and any signed declaration referred to under item 1(iv) is attached. Such declaration should be submitted by the applicant directly to the designated Offices concerned.
4. The applicant's attention is drawn to Rule 51bis.2 which provides that the designated Office shall not, unless it may reasonably doubt the veracity of the declaration concerned, require any document or evidence relating to the subject matter of any declaration complying with Rule 4.17(i) to (iv) which is contained in the request or submitted to the International Bureau or directly to the designated Office. Note, however, that Rule 51bis.2 may not apply in respect of certain States. For further information, see Notes to the request form, Box No. VIII.
5. A copy of this notification is being sent to the receiving Office and the International Searching Authority.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 338.89.75

Authorized officer  
Jocelyne REY-MILLET (Fax : 338 89 75)

Telephone No. (41-22) 338.99.43

**Box No. VIII (ii) DECLARATION: ENTITLEMENT TO APPLY FOR AND BE GRANTED A PATENT**

*The declaration must conform to the standardized wording provided for in Section 212; see Notes to Boxes No. VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (ii). If this Box is not used, this sheet should not be included in the request.*

Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rules 4.17(ii) and 51 bis.1(a)(ii)), in a case where the declaration under Rule 4.17(iv) is not appropriate:

In relation to international application No. PCT/EP/03/12610,

Bavarian Nordic A/S, 23, Ved Amagerbanen, DK-2300 Copenhagen S, Denmark is entitled to apply for and be granted a patent by virtue of the following:

(i) Sonja LEYRER of Fürstenriederstraße 272, D-81377 München, Germany and Paul HOWLEY of 60 Rose Avenue, Glen Waverly, Vic 3150, Australia are the inventors of the subject matter for which protection is sought by way of the international application No. PCT/EP/03/12610

(ii) Bavarian Nordic GmbH, Fraunhoferstraße 18b, D-82152 Martinsried, Germany was entitled as employer of the inventors Sonja Leyrer and Paul Howley

(iii) an assignment from Bavarian Nordic GmbH to Bavarian Nordic A/S, dated November 22, 2002

This declaration is made for the purposes of all designations except the designation of the United States of America

☐ This declaration is continued on the following sheet, "Continuation of Box No. VIII (ii)".

**Box No. VIII (iv) DECLARATION OF INVENTORSHIP** (only for the purposes of the designation **United States of America**)  
*The declaration must conform to the following standardized wording provided for in Section 214; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (iv). If this Box is not used, this sheet should not be included in the request.*

**Declaration of inventorship (Rules 4.17(iv) and 51bis.1(a)(iv))  
for the purposes of the designation of the United States of America:**

I hereby declare that I believe I am the original, first and sole (if only one inventor is listed below) or joint (if more than one inventor is listed below) inventor of the subject matter which is claimed and for which a patent is sought.

This declaration is directed to the international application of which it forms a part (if filing declaration with application).

This declaration is directed to international application No. PCT/EP03/12610 (if furnishing declaration pursuant to Rule 26ter).

I hereby declare that my residence, mailing address, and citizenship are as stated next to my name.

I hereby state that I have reviewed and understand the contents of the above-identified international application, including the claims of said application. I have identified in the request of said application, in compliance with PCT Rule 4.10, any claim to foreign priority, and I have identified below, under the heading "Prior Applications," by application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application on which foreign priority is claimed.

Prior Applications: .....

I hereby acknowledge the duty to disclose information that is known by me to be material to patentability as defined by 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the PCT international filing date of the continuation-in-part application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: Sonja LEYER

Residence: München, Germany  
(city and either US state, if applicable, or country)

Mailing Address: Fürstenriederstraße 272, D-81377 München, Germany

Citizenship: German (DE)

Inventor's Signature: [Signature]  
(if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)

Date: 05.03.2004  
(of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)

Name: Paul HOWLEY

Residence: Glen Waverly, Australia  
(city and either US state, if applicable, or country)

Mailing Address: 60 Rose Avenue, Glen Waverly, Vic 3150, Australia

Citizenship: British (GB)

Inventor's Signature: [Signature]  
(if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)

Date: 22/02/04  
(of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)

☐ This declaration is continued on the following sheet, "Continuation of Box No. VIII (iv)".



# Kongeriget Danmark

Patent application No.: PA 2002 01814  
Date of filing: 25 November 2002  
Applicant: Bavarian Nordic A/S  
(Name and address) 23, Ved Amagerbanen  
DK-2300 Copenhagen S  
Denmark

Title: Recombinant poxvirus comprising at least two cowpox ATI promoters

IPC: C 12 N 15/863; A 61 K 39/275; C 12 N 7/01

This is to certify that the attached documents are exact copies of the above mentioned patent application as originally filed.



Patent- og Varemærkestyrelsen  
Økonomi- og Erhvervsministeriet

12 September 2003

  
Pia Høybye-Olsen

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PATENT- OG VAREMÆRKESTYRELSEN